

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 113443:SMV	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/AU2004/001409	International filing date (<i>day/month/year</i>) 14 October 2004	Priority date (<i>day/month/year</i>) 14 October 2003
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ H04M 1/02, A45C 11/00		
Applicant SENTINEL GARDENS PTY LTD et al		

This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 20 May 2005	Date of completion of the report 11 October 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JAMES WILLIAMS Telephone No. (02) 6283 2599

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001409

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:</p> <ul style="list-style-type: none"><input type="checkbox"/> international search (under Rules 12.3 and 23.1 (b))<input type="checkbox"/> publication of the international application (under Rule 12.4)<input type="checkbox"/> international preliminary examination (under Rules 55.2 and/or 55.3)
2.	<p>With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages 1,3-10' as originally filed/furnished</p> <p>pages* 2 received by this Authority on 20 May 2005 with the letter of the same</p> <p>pages* received by this Authority on with the letter of</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>pages 12-15 as originally filed/furnished</p> <p>pages* as amended (together with any statement) under Article 19</p> <p>pages* 11 received by this Authority on 20 May 2005 with the letter of the same</p> <p>pages* received by this Authority on with the letter of</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>pages 1-10 as originally filed/furnished</p> <p>pages* received by this Authority on with the letter of</p> <p>pages* received by this Authority on with the letter of</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <ul style="list-style-type: none"><input type="checkbox"/> the description, pages<input type="checkbox"/> the claims, Nos.<input type="checkbox"/> the drawings, sheets/figs<input type="checkbox"/> the sequence listing (<i>specify</i>):<input type="checkbox"/> any table(s) related to the sequence listing (<i>specify</i>):
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <ul style="list-style-type: none"><input type="checkbox"/> the description, pages<input type="checkbox"/> the claims, Nos.<input type="checkbox"/> the drawings, sheets/figs<input type="checkbox"/> the sequence listing (<i>specify</i>):<input type="checkbox"/> any table(s) related to the sequence listing (<i>specify</i>):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AU2004/001409

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-40	YES
	Claims	NO
Inventive step (IS)	Claims 1-40	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-40	YES
	Claims	NO

2. Citations and explanations (Rule 70:7)

Novelty & Inventive Step

D1: GB 2 267 012 A (NOKIA MOBILE PHONES LIMITED) 17 November 1993

D2: US 6,130,945 A (SHIN) 10 October 2000

D1 discloses a receptacle for retaining a mobile phone, the receptacle having a hinged member which, when closed, protects the functional parts of the phone. The receptacle is meant to be carried by a strap by the user. The receptacle has an attachable antenna so that the phone may be used whilst in the receptacle.

D2 discloses a case for a mobile phone. When the phone, as well as the case, is in the folded position the functional parts of the mobile phone are protected.

None of the citations in the International Search Report discloses all of the features of the claimed invention.

They do not disclose the feature of the communication device being operable when retained within the shroud in the open position.